

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI**FILED**
DEC 29 2011
BY DAVID CREWS, CLERK
DeputyDerrick Darnell Payne
Plaintiff(individual + official) v. (individual + official) (individual + official)
Lieutenant Wicker, Amie Carr
Commander Rice, Desoto Co. Sheriff's Dept. for
Desoto County / or Desoto Co. Board of Supervisors
Defendant

CASE NO.

2:11CV258-A-S

PRISONER'S COMPLAINT CHALLENGING CONDITIONS OF CONFINEMENT

1. The Plaintiff's full legal name, the name under which the Plaintiff was sentenced, the Plaintiff's inmate identification number, the Plaintiff's mailing address, and the Plaintiff's place of confinement are as follows:

A. Legal name:

Derrick Darnell Payne

B. Name under which sentenced:

Derrick Payne

C. Inmate identification number:

81110

D. Plaintiff's mailing address (street or post office box number, city, state, ZIP):

311 West South St.
Hernando MS. 38632

E. Place of confinement:

Desoto County Sheriff's Dept.

2. Plaintiff names the following person(s) as the Defendant(s) in this civil action:

Name:

Lieutenant of Officer Wicker

Title (Superintendent, Sheriff, etc.):

Lieutenant

Defendant's mailing address (street or post office box number, city, state, ZIP)

311 West South St.
Hernando MS. 38632

(individual + official capacities)

ND MISS. FORM P3, COMPLAINT CHALLENGING CONDITIONS OF CONFINEMENT (4/00)

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Name: Commander or Officer Rice (Individual official capacities)

Title (Superintendent, Sheriff, etc.): Commander

Defendant's mailing address (street or post office box number, city, state, ZIP) 311 West South St.
Hernando MS, 38632

Name: Desoto Co. Sheriff's Dept. / ^{and or} Desoto Co. / and or

Title (Superintendent, Sheriff, etc.): Desoto Co. Board of Supervisors

Defendant's mailing address (street or post office box number, city, state, ZIP) 311 West South St.
Hernando, MS, 38632

Name: Amie Carr (Individual official capacities)

Title (Superintendent, Sheriff, etc.): 311 West South St.

Defendant's mailing address (street or post office box number, city, state, ZIP) Hernando, MS, 38632

(If additional Defendants are named, provide on separate sheets of paper the complete name, title, and address information for each. Clearly label each additional sheet as being a continuation of Question 2).

3. Have you commenced other lawsuits in any other court, state or federal, dealing with or pertaining to the same facts that you allege in this lawsuit or otherwise relating to your imprisonment? ☐ Yes ☒ No
4. If you checked "Yes" in Question 3, describe each lawsuit in the space below. If there is more than one lawsuit, describe the additional lawsuit(s) on separate sheets of paper; clearly label each additional sheet as being a continuation of Question 4.

A. Parties to the lawsuit:

Plaintiff(s): N/ADefendant(s): N/AB. Court: N/AC. Docket No.: N/AD. Judge's Name: N/AE. Date suit filed: N/AF. Date decided: N/AG. Result (affirmed, reversed, etc.): N/A

5. Is there a prisoner grievance procedure or system in the place of your confinement? ☒ Yes ☐ No
6. If "Yes," did you present to the grievance system the **same facts and issues** you allege in this complaint? (See question 9, below). ☒ Yes ☐ No
7. If you checked "Yes" in Question 6, answer the following questions:

A. Does the grievance system place a limit on the time within which a grievance must be presented?

☒ Yes

☐ No

B. If you answered "Yes," did you file or present your grievance within the time limit allowed?

☒ Yes

☐ No

C. The court must find that you exhausted the prison's grievance system and administrative remedies before it can consider this Complaint. State everything you did to present your grievance(s). Be specific. Include the date(s) on which you filed or presented your grievances to prison officers; identify the officer(s). State your claim(s) exactly.

I filed a grievance on OCT. 12th 2011, I received no response. I filed another one on OCT. 18th, both grievances filed after my requests for law materials were denied. ~~I filed~~ I filed concerning my denial to the law materials. On Nov. 3 I filed another. Officer Wicker and Commander Rice talked to me and assured me assistance before my deadline, however they did not grant me any assistance. On Nov. 8th I filed another grievance. It was sent back Nov. 9th - "Denied". (Enclosed)

D. State specifically what official response your grievance received. If the prison provides an administrative review of the decision on your grievance, state whether you applied for that review and what the result was.

My grievance was Denied (copy Enclosed) 11-8-2011.

Special Note: Attach to this Complaint as exhibits complete copies of all requests you made for administrative relief through the grievance system, all responses to your requests or grievances, all administrative appeals you made, all responses to your appeals, and all receipts for documents that you have.

8. If you checked "No" in Question 6, explain why you did not use the grievance procedures or system:

N/A

9. Write below, as briefly as possible, the **facts** of your case. Describe how **each** Defendant is involved. Write the names of all other persons involved. Include dates and precise places of events. Do not give any legal argument or cite any legal authority. If you have more than one claim to present, number each claim in a separate paragraph. Attach additional pages only if necessary; label attached pages as being continuations of Question 9.

On Oct. 11th I went to trial in Olive Branch City Court for the charge D.U.I. I was found Guilty and I requested to Appeal. The judge acknowledged and gave me an appeal bond, I received 6 months to serve at the Desoto County Sheriff's Dept.

On Oct. 12th 2011, at the jail, I filled out a request form to the Sheriff, and to Mrs. Amie Carr, stating I was trying to Appeal my conviction and needed law materials, paper, Miss. Rules of Court, Misdemeanor. I was informed by officers that I was denied. I filed a Grievance on Oct 18, 2011 stating my need for assistance. Again officers informed me I was denied. On Nov. 3rd 2011, I filed a grievance to the Sheriff and I was escorted to a office room to see LT. Wicker and Commander Rice. They asked what I needed. I informed them of paper, notary services, rules of court etc. They both said they would have it for me on the next day. I never received any assistance. On the 8th of Nov. 2011 I filed another grievance stating my need and deadlines. On Nov. 9th, 2011 I received my grievance back denying me access. (Copy of that Grievance is Attached).

Also I have a civil case in Federal court. I witnessed Lt. Wicker and Amie Carr provide Law cases and materials to a inmate named Thomas Hooghe. Well I again tried to gain access. I wrote to Mrs. Amie Carr on Request and ~~again~~ this time she stated they do

10. State briefly exactly what you want the court to do for you. Do not make legal arguments. Do not cite legal authority.

For violations of my Constitutional rights, for mental anguish, and also physical anguish I request Damages in the following Amount:

I request Punitive and Compensatory Damages from each Defendant:

1. LT. Wicker, I request: \$100,000.00
2. Commander Rice, I request: \$100,000.00
3. Desoto Co. Sheriff's Dept, I request: \$100,000.00
4. Amie Carr, I request: \$100,000.00

This I request in the interests of justice.

This Complaint was executed at (location):

Desoto County Sheriff's Dept.

and I declare or certify or verify or state under penalty of perjury that this Complaint is true and correct.

Date: 12-25-2011

Derrick Payne

Plaintiff's Signature

Continued
From
Question #9
Facts - Apple

NOT provide case laws. I was informed by a officer that I would need an attorney for that. (A copy of that Denial from Anne Carr is enclosed). She sent me nothing, offered no assistance. This was Nov. 29, 2011. I have received nothing, Even though they assisted others.

Because of being Denied law assistance, and destroying my ability to Appeal my case, I was denied Due Process, in violation of my 5th Amendment, 14th Amendment Rights, I was treated ~~un~~unequally and unfairly and also Cruel and Unusual under the 8th Amendment and I was denied access to the courts.

DENIED

I will speak with you 11-9-11
today. LT. WICKER

Please define the situation in question, including all relevant facts and witnesses:

My deadline was for my appeal is on the 10th. Because of not having a case over for legal assistance I was in a bad situation. I have been in jail for over 10 years. Also, I've filled out for Trusty over 10 times. I fit the criteria for the job.

Specify the harm done by the wrongful act or situation:

Because of lack of legal assistance I can't appeal my case, which has been in jail for over 10 years. I've been trying to get Parole for over a month now, to no avail.

Specify the specific relief or action sought to remedy the problem:

I would like to have access to the law library for cases I'm working on. I want to be placed at Trusty because of the situation I'm in on a D.U.I., no escapes, no violent charge.

Names of witnesses or other affected inmates:

Inmate Signature: Derrin Payne Date: 11-8-2011

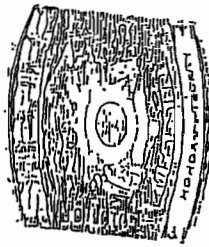
H-121 ank

POSTED

you will need to request care laws
from an attorney.

Amie Carr

11/30/11



DESOTO COUNTY ADULT DETENTION FACILITY
INMATE REQUESTS TO STAFF

Please place a mark in the box below that best relates to this specific request.

SHERIFF RASCO	RECORDS	COMMISSARY	MAIL	JAIL ADMINISTRATOR	SHIFT SUPERVISOR	OTHER
Please state below any request you may have pertaining to the subject checked above:						
1. Haines v. Kerner 404 U.S. 519, 92 S.Ct. 594, 30 L.Ed.2d 652 (1972)						
2. copy of Federal Rules of Appellate Procedure (civil) (Northern District)						
3. Jackson v. Torres 720 F.2d 877, 879 (5th Cir. 1983).						
4. Heck v. Humphrey, 512 U.S. 477, 114 S.Ct. 2364, 129 L.Ed.2d 383 (1994)						
5. 28 U.S.C. § 1915(e)(2) 28 U.S.C. § 1915(e)(2) and 1915(A)						
Detainee Name: Derrick Payne			Date: 11-29-2011		Housing Unit: D-Tank	

AMIE CARR

Derrick Darnell Payne
~~311~~ 311 West South St.
Hernando, MS 38632

RECEIVED

DEC 29 2011

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI



United States District Court
Office of the Clerk

PO Box 704

Aberdeen, MS 39730

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